IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1270 of 2007()

CC NO.757/2003 OF SPECIAL JUDICIAL MAGISTRATE COURT, INDORE

: PETITIONER:

MUKUND MEHTA, AGED 54 YEARS,
MANAGING PARTNER, M/S.J. PAREKH AND COMPANY,
IMPERIAL ANNEXE BUILDING, T.D.ROAD, ERNAKULAM,
NOW HAVING ITS OFFICE AT NANA BUILDING,
PAYYAPPILLY ROAD, ERNAKULAM.

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. COMMISSIONER OF POLICE,
INDORE, M.P.

3. COMMISSIONER OF POLICE, KOCHI CITY.

4. SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1270 OF 2007

Dated this the 2nd day of March, 2007

O R D E R

The petitioner seeks anticipatory bail on the allegation that non-bailable warrants of arrest are pending against him from the First Additional Chief Judicial Magistrate Court, Indore, on the basis of some complaint filed by M/s.Metal Men Industries Ltd., Indore.

2. Learned Public Prosecutor, on instructions, submitted that the petitioner is an accused in C.C.No.757/2003 on the file of the Special Judicial Magistrate Court, Indore, for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 and that non-bailable warrants of arrest are pending against the petitioner and they stand endorsed to the Kerala Police for execution.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the aforementioned court and files an application for regular bail, within one month from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance. Until such consideration, non-bailable warrants, if any, pending against the petitioner shall not be executed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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